

**THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,	)	CASE NO. 16-4728
	)	
Plaintiff/Appellee,	)	
	)	
-vs-	)	
	)	
JIAN-YUN DONG,	)	
	)	
Defendant/Appellant,	)	
	)	

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**APPELLANT'S MOTION TO ENLARGE THE BRIEFING  
SCHEDULE IN ACCORDANCE WITH LOCAL RULE 31(c)**

NOW BEFORE THE COURT COMES the Appellant, JIAN-YUN DONG, through his Counsel, John M. Ervin, III, to move the Honorable Court, in accordance with Local Fourth Circuit Rule 31(c) for an enlargement of the Briefing Order, based upon the following circumstances:

While Counsel is currently advancing this appeal, additional communication with the Appellant is necessary, relative to his numerous positions and appeal grounds which have been identified thus far. The impending July 4<sup>th</sup> holiday has impacted the finalization of the appeal. Counsel must make requests for BOP staff to communicate and then await a time to confer.

Additionally, communication with opposing counsel as to the designation of the record on appeal is necessary. The transcripts are voluminous, and the record on appeal will be extensive.

While the Court disfavors enlargements of time, this case presents both unique and complicated legal issues. In the intestest of representation of this Appellant, Counsel will seek an additional enlargement of time so that all of the communications, conferences and additional reviews can be completed. Counsel also has several other clients and matters pending with various motion, trial and hearing deadlines. Counsel also represents multiple clients on CJA appointments at the District Court level.

**W H E R E F O R E**, counsel respectfully requests an additional fifteen (15) day enlargement of the Briefing Order previously issued in this matter. Appellant's opening brief is due is June 30, 2017 and counsel requests that this date be enlarged to July 14, 2017.

Respectfully submitted,

Dated: June 30, 2017

By: s/ John M. Ervin, III.  
JOHN M. ERVIN, III  
Attorney At Law  
50 Public Square  
Darlington, South Carolina 29532  
Phone (843) 393-5555  
E-mail: [jervin@jervinlaw.com](mailto:jervin@jervinlaw.com)

**CERTIFICATE OF SERVICE**

I, Michael Ray a Paralegal for the Office of the Ervin Law Firm do hereby certify that on this the 30<sup>th</sup> day of June, 2017 I did electronically file this request for enlargement with the Clerk of Court on CM/ECF and that upon filing, opposing counsel will receive an electronic copy hereof.

By: s/ Michael Ray .